

JAN. 8. 2003 11:49AM

BINGHAM MCCUTCHEN - SF

NO. 1999 P. 3

USSN: 09/403,690

Attorney Docket No.: 20239-0706-US

Client Docket No.: BN 25 PCT-US

**Certificate of Mailing/Transmission (37 C.F.R. § 1.8):**

[ ] Pursuant to 37 C.F.R. § 1.8, I hereby certify that this paper and all enclosures are being deposited with the United States Postal Service as first class mail on the date indicated below in an envelope addressed to the Assistant Commissioner for Patents, Washington D.C. 20231.

[X] Pursuant to 37 C.F.R. § 1.6(d), I hereby certify that this paper and all enclosures are being sent via facsimile on the date indicated below to the attention of Examiner J. Einsmann at Facsimile No. (703) 746-5142.

Dated: January 8, 2003

Name of Person Certifying: Susan T. Hubl

Printed Name:

Susan T. Hubl

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

Applicant: Pfeiffer

Assignee: Bavarian Nordic GmbH

Filing Date: January 26, 2000

Examiner: Einsmann, J.

Serial No.: 09/403,690

Group Art Unit: 1655

Title: TaqMan™-PCR for Detection of Pathogenic E. Coli Strains

OFFICIAL

Assistant Commissioner for Patents  
Washington, D.C. 20231

1/8/03

Re

**INFORMATION DISCLOSURE STATEMENT**

Sir:

In accordance with 37 C.F.R. § 1.56, the references listed on the attached Form PTO-1449 are being brought to the attention of the Examiner for consideration in connection with the examination of the above-identified patent application.

It is respectfully requested that the Examiner indicate consideration of the cited references by returning a copy of the attached form PTO 1449 with initials or other appropriate marks.

The Commissioner is hereby authorized to charge Deposit Account No. 50-1193, Docket No. 20239-0706-US for any additional fees required in connection with the filing of this Information Disclosure Statement.

**I. Timing of the Information Disclosure Statement:**

This Information Disclosure Statement is filed:

- ☒ Before the mailing of a first Office Action with or after the filing of a Request for Continued Examination (RCE) under 37 C.F.R. § 1.114.

**II. Copies of the Cited Items:**

- ☒ Copies of all of the items listed on the attached Form PTO-1449 are enclosed.

**III. Concise Explanation of Relevance:**

- ☒ A concise explanation of relevance of the items listed on Form PTO-1449 is not given.

JAN. 8. 2003 11:50AM

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USSN: 09/403,690  
Attorney Docket No.: 20239-0706-US  
Client Docket No.: BN 25 PCT-US

**IV. Conclusion:**

Citation of the above documents shall not be construed as:

1. a representation that a search has been made;
2. an admission that the information cited herein is, or is considered to be, material to patentability as defined in § 1.56(b);
3. an admission that the documents are necessarily prior art with respect to the instant invention.

DATE: January 8, 2003

Respectfully submitted,

By: \_\_\_\_\_

*Susan Hubl*  
Susan Hubl, Ph.D., Patent Agent  
Registration No.: 47,668

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<p>FORM PTO-1449 (Modified [6-1])</p> <p><b>LIST OF PATENTS AND PUBLICATIONS FOR APPLICANT(S) INFORMATION DISCLOSURE STATEMENT</b></p> <p>(Use several sheets if necessary)</p>	<p><b>ATTY. DOCKET NO.</b> 20239-0706-US</p>	<p><b>SERIAL NO.</b> 09/403,690</p>
<p>1449 Filed on January 8, 2003</p>	<p><b>INVENTOR</b> Pfeffer.</p>	<p><b>EXAMINER</b> Einsmann</p>
	<p><b>FILING DATE</b> January 26, 2000</p>	<p><b>GROUP ART UNIT</b> 1655</p>

## U.S. PATENT DOCUMENTS

EXAM'R INITIAL		DOCUMENT NUMBER	DATE	NAME	Class	Subclass	Filing Date If Appropriate
	A1						
	A2						
	A3						

## FOREIGN PATENT DOCUMENTS

EXAMINER INITIAL		DOCUMENT NUMBER	DATE	COUNTRY	CLASS	Subclass	TRANSLATION	
							yes	no
	B1							
	B2							
	B3							
	B4							
	B5							

**OTHER ART** (Include Author, Title, Date, Pertinent Pages, etc.)

[illegible]

EXAMINER	DATE CONSIDERED
EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609; Draw line through citation if not in conformance <i>and</i> not considered. Include copy of this form with next communication to Applicant(s).	

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BINGHAM MCCUTCHEN - SF

NO. 1999 P. 1

21475099.1/20239-0706-US

**BINGHAM McCUTCHEN**

## Facsimile

00109508

DATE January 8, 2003

	NAME	FAX	PHONE
TO	Examiner Juliet C. Einsmann Group Art Unit 1655 USPTO	(703) 746-5142	(703) 306-5824

FROM	Susan Hubl, Ph.D. Patent Agent susan.hubl@bingham.com	(415) 393-2286	(415) 393-2654
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PAGES (INCLUDING THIS COVER PAGE): 12

RE USSN: 09/403,690  
Attorney Docket: 20239-0706-US  
Client Docket: BN 25 PCT-US

Bingham McCutchen LLP  
Three Embarcadero Center  
San Francisco, CA  
94111-4067

### Message:

415.393.2000  
415.393.2286 fax

IDS with correct reference to BLAST search as requested in June 4, 2002 Office Action.

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NO. 1999 P. 2

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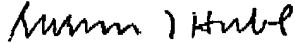
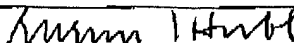
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<b>TRANSMITTAL FORM</b>  (to be used for all correspondence after initial filing)	Application Number	09/403,660	
	Filing Date	January 26, 2000	
	First Named Inventor	Klaus Pfeffer	
	Group Art Unit	1855	
	Examiner Name	Einsmann, J.	
Total Number Of Pages In This Submission	12	Attorney Docket No.	20239-0706-US

ENCLOSURES (check all that apply)		
<input type="checkbox"/> Fee Transmittal Form	<input type="checkbox"/> Assignment Papers (for an Application)	<input type="checkbox"/> After Allowance Communication to Group
<input type="checkbox"/> Fee Attached	<input type="checkbox"/> Drawing(s)	<input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences
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<input type="checkbox"/> Affidavits/declarations	<input type="checkbox"/> Petition to Convert to a Provisional Application	<input type="checkbox"/> Status Letter
<input type="checkbox"/> Extension of Time Request	<input type="checkbox"/> Power of Attorney, Revocation Change of Correspondence Address	<input checked="" type="checkbox"/> Other Enclosure(s) (please identify below): Form 1449 Reference cited FAX cover sheet
<input type="checkbox"/> Express Abandonment Request	<input type="checkbox"/> Terminal Disclaimer	
<input checked="" type="checkbox"/> Information Disclosure Statement	<input type="checkbox"/> Request for Refund	
<input type="checkbox"/> Certified Copy of Priority Document(s)	<input type="checkbox"/> CD, Number of CD(s) _____	
<input type="checkbox"/> Response to Missing Parts/ Incomplete Application	Remarks	
<input type="checkbox"/> Response to Missing Parts under 37 CFR 1.52 or 1.53		

SIGNATURE OF APPLICANT, ATTORNEY OR AGENT			
Firm or Individual Name	Bingham McCutchen LLP Susan Hubl Patent Agent Reg. No. 47,666		
Signature			
Date	January 8, 2003		
CERTIFICATE OF MAILING OR TRANSMISSION (37 C.F.R. § 1.8)			
Pursuant to 37 C.F.R. § 1.8(d), I hereby certify that this paper and all enclosures are being sent via facsimile on the date indicated below to the attention of Examiner J. Einsmann at Facsimile No. (703) 746-5142.			
Name (Print/Type)	Susan Hubl, Ph.D., Patent Agent		
Signature		Date	January 8, 2003

Burden Hours Statement: This form is estimated to take 0.2 hours to complete. Time will vary depending upon the needs of the individual case. Any comments on the amount of time you are required to complete this form should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, Washington, DC 20231. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Assistant Commissioner for Patents, Box Patent Application, Washington, DC 20231.

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